

REMARKS

Applicant has amended claims 1, 3-19, and 38, and has cancelled claims 2 and 20-25, during prosecution of this patent application. Applicant is not conceding in this patent application that the subject matter encompassed by said amended and cancelled claims are not patentable over the art cited by the Examiner, since the claim amendments and cancellations are only for facilitating expeditious prosecution of this patent application. Applicants respectfully reserve the right to pursue the subject matter encompassed by said amended and cancelled claims, and to pursue other claims, in one or more continuations and/or divisional patent applications.

The Examiner objected to the specification.

The Examiner indicated claims 26-37 and 39 are allowed. Applicant gratefully acknowledges the Examiner's indication of allowed subject matter.

The Examiner indicated claims 1, 3-19 and 38 would be allowable if rewritten to overcome the 35 U.S.C. § 101 rejections in this Office action. Applicant gratefully acknowledges the Examiner's indication of allowable subject matter.

The Examiner rejected claims 1, 3-19 and 38 under 35 U.S.C. § 101 because the claimed invention is allegedly directed to non-statutory subject matter.

Applicant respectfully traverses the specification objection and the § 101 rejections with the following arguments.

Specification Objection:

The Examiner objected to the specification.

The Examiner argues: “Applicant is suggested to place corresponding sections of the specification under the proper headings (i.e. reinserting the section Brief Description of the Drawings on pgs. 42-44 in the proper order).”

In response, Applicant has amended the specification in accordance with the preceding suggestion by the Examiner.

Accordingly, Applicant respectfully requests withdrawal of the objection to the specification.

35 U.S.C. § 101: Claims 1, 3-19 and 38

The Examiner rejected claims 1, 3-19 and 38 under 35 U.S.C. § 101 because the claimed invention is allegedly directed to non-statutory subject matter.

The Examiner argues: “Claim 19 is rejected under 35 U.S.C. 101 because it is directed to software alone without claiming associated computer hardware required for execution, and software alone fails to fall within a statutory category of invention. As claimed, the various units of the management server are nonetheless software [specification, pg. 31, lines 1-31], in addition, since applicant failed to specifically define "a management server", the examiner is giving it the broadest reasonable interpretation as known in the art to include statutory (i.e. hardware implementation) and non-statutory embodiment (i.e. software implementation), therefore the server is not limited to statutory embodiment. Furthermore, a "storing unit" can nonetheless be interpreted as a data structure (i.e. queue, database, table etc), therefore the claim is directed to software only. Applicant should consider claiming hardware as a part of the server to overcome the rejection. Claims 1, 3-18 and 38 are rejected for same reason as claim 19 above.”

In response, Applicants have amended claims 1, 3-19, and 38 to recite computer processors where applicable.

Accordingly, Applicant respectfully requests withdrawal of the rejection of claims 1, 3-19 and 38 under 35 U.S.C. § 101.

CONCLUSION

Based on the preceding arguments, Applicant respectfully believes that all pending claims and the entire application meet the acceptance criteria for allowance and therefore request favorable action. If the Examiner believes that anything further would be helpful to place the application in better condition for allowance, Applicant invites the Examiner to contact Applicant's representative at the telephone number listed below. The Director is hereby authorized to charge and/or credit Deposit Account 09-0457 (IBM). The Attorney's reference number for this case is END-8358.

Date: February 22, 2011

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